

of stay for inpatients not greater than 72 hours for each 12-month cost reporting period, excluding periods of stays that exceeded 72 hours because transfer was precluded because of inclement weather or other emergency conditions, as described in § 485.620; or

(iii) Has not met the staffing requirements as described in § 485.631.

[58 FR 30671, May 26, 1993, as amended at 60 FR 45850, Sept. 1, 1995]

**§ 485.608 Condition of participation: Compliance with Federal, State, and local laws and regulations.**

The RPCH and its staff are in compliance with applicable Federal, State and local laws and regulations.

(a) *Standard: Compliance with Federal laws and regulations.* The RPCH is in compliance with applicable Federal laws and regulations related to the health and safety of patients.

(b) *Standard: Compliance with State and local laws and regulations.* All patient care services are furnished in accordance with applicable State and local laws and regulations.

(c) *Standard: Licensure of RPCH.* The RPCH is licensed in accordance with applicable Federal, State and local laws and regulations.

(d) *Standard: Licensure, certification or registration of personnel.* Staff of the RPCH are licensed, certified, or registered in accordance with applicable Federal, State, and local laws and regulations.

**§ 485.610 Condition of participation: Location.**

(a) *General rule.* The RPCH meets the following requirements:

(1) The RPCH is located outside any area that is a Metropolitan Statistical Area, as defined by the Office of Management and Budget, or that has been recognized as urban under the regulations in § 412.62(f) of this chapter.

(2) The RPCH is not deemed to be located in an urban area under § 412.63(b) of this chapter.

(3) The RPCH has not been classified as an urban hospital for purposes of the standardized payment amount by HCFA or the Medicare Geographic Classification Review Board under § 412.230(e) of this chapter, and is not among a group of hospitals that have

been redesignated to an adjacent urban area under § 412.232 of this chapter.

(b) *Exception.* An RPCH located in a Metropolitan Statistical Area or similar area as defined in § 412.62(f) of this chapter is deemed to meet the requirements of paragraph (a) of this section if—

(1) The RPCH is located in a county whose geographic area is substantially larger than the average geographic area for urban counties in the United States; and

(2) The RPCH's service area is characteristic of the service areas of hospitals located in rural areas.

[58 FR 30671, May 26, 1993; 58 FR 49935, Sept. 24, 1993]

**§ 485.612 Condition of participation: Compliance with hospital requirements at time of application.**

(a) The hospital has a provider agreement to participate in the Medicare program as a hospital at one of the following times—

(1) At the time the hospital applies for designation as an RPCH; or

(2) At the time the hospital closed if that time was within the 12 months prior to the hospital's application for RPCH designation.

(b) The State is authorized to determine the form, content, and timing of the application needed to be considered for designation as an RPCH, and to deem an otherwise eligible facility to have applied timely under paragraph (a) if it closed within the 12-month period ending on the date on which the application for RPCH designation is first made available to interested facilities.

(c) The hospital is not found, on the basis of a survey under part 489 of this chapter, to be in violation of any of the provisions of its provider agreement either at the time the hospital applies for designation as an RPCH or at the time the hospital closed.

**§ 485.614 Condition of participation: Termination of inpatient care services.**

(a) *General rule.* The hospital has ceased providing inpatient hospital care or has agreed to cease providing inpatient hospital care upon approval of its application for designation as an